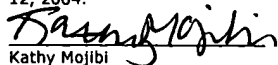


# UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:  NIKKAH, Ali  Serial No.: Filed Concurrently Herewith  Filed: April 12, 2004  Title: MULTIPLE BLADE BLENDER APPARATUS	Examiner: Not Yet Assigned  Group Art Unit: Not Yet Assigned  <div style="border: 1px solid black; padding: 5px;"><p style="text-align: center;">Certificate of Mailing</p><p>I hereby certify that this correspondence is being deposited with the United States Postal Service Express Mail Service, Label No. ER779121435US in an envelope addressed to Mail Stop Patent Application, Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450 on April 12, 2004.</p><p style="text-align: right;"> Kathy Mojibi</p></div>
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Mail Stop Patent Application  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, Virginia 22313-1450

## PETITION TO MAKE SPECIAL

Sir:

Applicants hereby petition to make this application special pursuant to the Advancement of Examination procedures set forth 37 C.F.R. §1.102(d) and MPEP 708.02 on the grounds that a search of the prior art has been made.

04/15/2004 HALI11 00000076 10823163

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### REMARKS

In accordance with MPEP 708.02, Part VIII, subparagraphs (A) through (E), the Applicant states as follows:

**(A) Petition Fee.** Enclosed is Check No. 3466 in the amount of \$130.00 to cover the Petition Fee as set forth in 37 C.F.R. §§ 1.102(d) and 1.17(h). The Commissioner is authorized to charge any deficiencies or credit any overpayment to our Deposit Account No. 50-2922.

**(B) All Claims Directed to Single Invention.** All the claims in the pending application are directed to a single invention. The claims, as filed, do not define independent and distinct inventions; therefore, no restriction should be required.

Nevertheless, if the Patent Office determines that the claims are not directed to a single invention, then the Applicants will make an election without traverse as a prerequisite to the grant of special status for the pending application. The Applicant prefers, however, to defer any required election until the Patent Office determines that a restriction is required and, then, to make any such election using the established telephone restriction practice, as permitted in MPEP 708.02, Part VIII (B).

**(C) Search Made.** The Applicants have conducted a pre-examination search using the services of Terry W. Kramer, Esq. of Kramer & Associates. A copy of Mr. Kramer's letter is attached to this Petition as Exhibit 1, and incorporated herein by reference.

Mr. Kramer's letter sets forth the search field, including the classes and subclasses (U.S. and foreign), and the examiners consulted during the search. The letter also includes a schedule of references found.

**(D) Submission of References.** Also attached is an Information Disclosure Form PTO/SB/08A listing the references located in the search.

The following are the prior art references deemed by the Applicant to be most closely related to the subject matter encompassed by the claims of the pending application.

Patent No.	Inventor	Issue/Pub Date	Title
4,911,557	Dormer et al.	3/27/90	Dual-Spindle Blender With Provision for Small Charge
4,256,407	Seiderman	3/17/81	Culinary Mixer and Disintegrator

**(E) Detailed Discussion of the References and Patentable Subject Matter.**

The following is a discussion summarizing each reference uncovered in the search and analyzing the patentability of the claimed invention over the references. The independent claims 1 and 6 each recite "the first blade shaft and the second blade shaft are substantially angled from the vertical position." Furthermore, independent claim 11 recites "a third blade assembly." As described in greater detail below, none of the cited references disclose these features.

**U.S. Patent No. 4,911,557 issued to Dormer et al.**

Dormer et al. discloses a dual-spindle blender having a container with two intersecting lobes forming a figure-eight cross section with a cutter blade assembly disposed centered in each lobe. The blade shafts 86 are shown in a vertical position. Dormer et al. does not disclose the first blade shaft and the second blade shaft substantially angled from the vertical position. Therefore, the present invention is patentable over the Dormer et al. patent.

**U.S. Patent No. 4,256,407 issued to Seiderman**

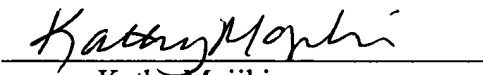
Seiderman discloses a culinary mixer and disintegrator having a container body with a generally Figure-8 configuration with plural distinct lobes. Each lobe is provided with a comminutor/blender blade rotatably disposed therein. The blade shafts 64, 66 are shown in a vertical position. Seiderman does not disclose the first blade shaft and the second blade shaft substantially angled from the vertical position. Therefore, the present invention is patentable over the Seiderman patent.

**CONCLUSION**

Having satisfied the requirements for the Advancement of Examination as set forth in 37 C.F.R. §1.102(d) and MPEP 708.02, the Applicants hereby seek accelerated examination of this patent application.

Respectfully Submitted,

Date: April 12, 2004

  
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